

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
PAMELA SCHWARTZ,

Plaintiff,

vs.

KIRYAS JOEL UNION FREE SCHOOL  
DISTRICT,

Defendant.  
-----X

14 CV 3795

COMPLAINT

JUDGE SEINFELD

2014 MAY 23 PM 3:32

PAMELA SCHWARTZ, AS AND FOR HER COMPLAINT, hereby states by and through her  
counsel, Michael H. Sussman:

**I. PARTIES**

1. Plaintiff, Pamela Schwartz, is an Orthodox Jewish woman who now resides in the State of Florida. She is not, and has never been, a member of the Satmar sect.

2. Starting in September 2010 and for the 2010-11 school year, plaintiff worked as a reading specialist for the defendant, Kiryas Joel Union Free School District, a public school district, located within this judicial district and controlled by the Satmar sect which dominates the Village of Kiryas Joel and its publicly-funded school district.

**II. JURISDICTION**

3. Plaintiff timely filed a charge of discrimination on the basis of her religion with the EEOC and received the annexed right to sue letter from the United States Department of Justice less than ninety [90] days ago.

4. Accordingly, this Honorable Court has jurisdiction to hear this matter pursuant to Title VII of the Civil Rights Act of 1964 as amended and 42 U.S.C. secs. 1331 and 1343 (3) & (4).

### **III. FACTUAL ALLEGATIONS**

5. While defendant employed plaintiff, it assigned her to work within a religious school for girls run by the dominant religious group, Satmars, in the Village of Kiryas Joel.

6. At all relevant times, plaintiff's job performance was satisfactory and her supervisor advised her that she wanted plaintiff to return for a second year.

7. In or about November/December 2010, it became obvious that plaintiff was pregnant.

8. Plaintiff wore modest clothing, but these did not conform to the religious practice of the Satmars who controlled the school.

9. Plaintiff learned that Satmars associated with the private school in which her public school resource was actually located had raised objection with public school administrators concerning how plaintiff was dressing, i.e., her perfectly appropriate attire was not loose enough for them.

10. At the end of the 2010-11 school year, defendant terminated plaintiff's employment.

11. Defendant and its agents gave no reason for this adverse action.

12. Defendant had no neutral, non-discriminatory reason for terminating plaintiff's employment.

13. Defendant terminated plaintiff's employment because it deemed her religious practice, as reflected by her dress, as inconsistent with the religious mores and practices of Satmars who controlled the actions of the public school where she worked.

14. Plaintiff suffered pecuniary and non-pecuniary injuries as a consequence of this exercise of intentional religious discrimination.

### **IV. CAUSE OF ACTION**

15. Plaintiff incorporates paras. 1-14 as if fully set forth herein.

16. By intentionally discriminating against plaintiff on the basis of her religious practices or, more precisely, for her alleged failure to abide by the religious practices of its dominant constituency,

defendant violated Title VII of the Civil Rights Act of 1964 as amended.

WHEREFORE, plaintiff prays that this court takes jurisdiction over this matter, empanels a jury to hear and decide the case, award to her make whole relief, including front and back pay, with pre and post-judgment interest, punitive damages and all other forms of relief available under law, including the attorneys fees and costs arising from plaintiff's prosecution of this matter.

Respectfully submitted,

  
MICHAEL H. SUSSMAN [3497]

SUSSMAN & WATKINS  
PO BOX 1005  
1 RAILROAD AVENUE  
GOSHEN, NY 10924  
(845)-294-3991

Counsel for Plaintiff

Dated: May 27, 2014



U.S. Department of Justice  
Civil Rights Division  
NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
2013 5628

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

May 15, 2014

Ms. Pamela Schwartz  
c/o Michael Sussman, Esquire  
Law Offices of Sussman & Watkins  
1 Railroad Ave.  
Suite 3  
Goshen, NY 10924

Re: EEOC Charge Against Kiryas Joel Union Free School Dist.  
No. 520201103071

Dear Ms. Schwartz:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC New York District Office, New York, NY.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Jocelyn Samuels  
Acting Assistant Attorney General  
Civil Rights Division

by

*Karen L. Ferguson*  
Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: New York District Office, EEOC  
Kiryas Joel Union Free School Dist.